

## **REMARKS**

Claims 1-9 are currently pending, with claim 1 being the only independent claim. Claims 1, 4, 5 and 7-8 have been amended. The amendment to claims 4, 5, 7 and 8 are made to correct minor typographical errors and for consistency with the amendments to claim 1. Support for the amendment to independent claim 1 may be found, for example, at pg. 4, lines 25-32 of the specification as originally filed. Reconsideration of the above-identified application, in view of the following remarks, is respectfully requested.

Claims 1-2 and 4-7 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,488,476 (“*Eck*”). Claims 1-7 stand rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 4,354,521 (“*Harde*”). Claims 8 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Eck* or *Harde*. For the following reasons, reconsideration and withdrawal of these rejections are respectfully requested.

Independent claim 1 has been amended to recite “a bottom valve arranged proximate the bottom of the first chamber, said bottom valve permitting a flow of fuel into the first chamber and preventing a flow of fuel out of the first chamber”. Support for this limitation may be found, for example, at pg. 4, lines 25-32 of the originally filed specification. No new matter has been added. The cited art fails to teach or suggest the bottom valve as recited in now amended independent claim 1.

*Eck* relates to “a fuel feed unit for a motor vehicle, with at least one fuel pump fastened to a holding part and intended for sucking in fuel from a baffle arranged in the bottom region of a fuel tank, and with a suction jet pump provided for feeding fuel out of the fuel tank into the baffle and connected to the fuel pump via a supply line” (see col. 1, lines 5-11). The sole figure of *Eck* depicts a baffle 2. A first chamber 4 is arranged inside this baffle 2. In addition, the first chamber is

provided with a fuel pump 10 that sucks fuel out of the first chamber 4. However, only one valve is depicted in the arrangement shown in *Eck*. Consequently, *Eck* fails to disclose a bottom valve that is arranged proximate the bottom of the first chamber, the bottom valve permitting a flow of fuel into the first chamber and preventing a flow of fuel out of the first chamber, and a throttle valve connecting the first and second chambers, as recited in now amended independent claim 1. Independent claim 1 is therefore patentable over *Eck* for at least this reason.

For all of the above reasons, independent claim 1 is not anticipated by *Eck* and the rejection of independent claim 1 as anticipated by *Eck* should now be withdrawn.

*Harde* also fails to teach or suggest a bottom valve that is arranged in the manner recited in now amended independent claim 1. *Harde* discloses a tank with a container 3 and an inner chamber 4. Opening 9 is the only opening that is in the region of the bottom of the fuel tank that is arranged between the inner chamber 4 and container 3. The opening 9 of *Harde* is not the claimed throttle valve between the first and second chambers because *Harde* fails to disclose “wherein a volumetric flow of fuel that is restricted by the throttle valve is smaller than the volumetric flow fed by the fuel pump”. *Harde* (col. 2, line 28-32; FIG. 2) teaches that the fluid located in the containers 3 and 4 has the same level. Moreover, in another embodiment *Harde* (FIG. 6) depicts a structure that includes valves 15. However, these valves similarly do not disclose the claimed throttle valve and do not permit the flow of fuel into the first chamber and prevent a flow of fuel out of the first chamber in the manner achieved by the bottom valve of claim 1 that is arranged proximate the bottom of the first chamber.

In view of the foregoing, amended independent claim 1 is patentable over *Eck* and *Harde*. Reconsideration and withdrawal of all the rejections under 35 U.S.C. §102(b) and §103(a) are therefore in order, and a notice to that effect is respectfully requested.

In view of the patentability of independent claim 1, dependent claims 2-9 are also patentable over the prior art for the reasons set forth above, as well as for the additional recitations contained therein.

Based on the foregoing amendments and remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
COHEN PONTANI LIEBERMAN & PAVANE LLP

By /Alfred W. Froebrich/  
Alfred W. Froebrich  
Reg. No. 38,887  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: December 16, 2008